

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 82-30

ORDER REQUIRING WAYNE AND SHERRY KUNG, FRANK H. AND GRACE C. WONG, HENG-TENG CHIANG, HENG-CHIH CHIANG, HENG-TA CHIANG, AND JU-CHIN CHANG, dba NOVATO MOTEL; AND CLARENCE AND DAVID LEVERONI, TO CEASE AND DESIST FROM DISCHARGING WASTE CONTRARY TO REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board) finds that:

1. On September 16, 1981, the Board adopted Order No. 81-51, Waste Discharge Requirements for Wayne and Sherry Kung, Frank H. and Grace C. Wong, Heng-Teng Chiang, Heng-Chih Chiang, Heng-Ta Chiang, and Ju-Chin Chang, dba Novato Motel, Novato, Marin County. This Order prohibits the bypass or overflows of wastewater to waters of the State, requires the maintenance of two feet minimum freeboard in waste storage ponds, and requires protection from erosion and washout from a flood having a predicted frequency of once in 100 years.
2. Waste from the 60 unit motel is discharged into septic tanks followed by four evaporation ponds, located on land owned by Clarence and David Leveroni. The Novato Motel and Clarence and David Leveroni (hereinafter collectively known as the dischargers) have a verbal agreement for use of the evaporation ponds.
3. Numerous violations of Regional Board Order No. 81-51 occurred early in the 1981-1982 rainy season. These violations have resulted and threaten to further result in discharges of waste to waters of the State.
4. Inspections by Board staff and Marin County Health Department conducted during late 1981 and early 1982 indicated that the evaporation ponds used by the Novato Motel for waste disposal were not adequate to meet waste discharge requirements contained in Order No. 81-51.
5. On December 17, 1981, Cleanup-and-Abatement Order No. 81-007 was issued to the Novato Motel and Clarence and David Leveroni requiring compliance with waste discharge requirements, the submittal of a wastewater facilities upgrading plan, and a time schedule for the implementation of that plan.

6. On December 29, 1981 the Novato Motel submitted an outline of interim corrective measures for the wastewater ponds. On January 1, 1982, Clarence and David Leveroni also submitted an outline of interim corrective measures in progress. On March 30, 1982, the Novato Motel submitted an acceptable plan and time schedule for the upgrading of the pond system. On April 28, 1982 the interim corrective measures for the ponds were completed and the freeboard requirement restored. Compliance with the freeboard requirement can only be anticipated for the 1982 dry weather season.
7. On June 16, 1982, the Board adopted Order No. 82-29, revised waste discharge requirements for the Novato Motel and Clarence and David Leveroni wherein an annual pond system management report is required to assure that the wastewater facilities after upgrading will be managed in accord with the design and construction so as to prevent future violations of Board requirements.
8. Order No. 82-29 states, in part, the following:

 "A. Prohibitions

 1. Overflow from the evaporation ponds is prohibited. There shall be no bypass or overflow of waste to waters of the State from the collection, treatment or pond system.

 2. Discharge of wastewater to any land other than the evaporation ponds is prohibited.

 ...

 B. Specifications

 1. Ponds shall be protected against erosion, washout and flooding from a flood having a predicted frequency of once in 100 years.

 2. A minimum freeboard of two feet shall be maintained in all ponds at all times.

 ..."
9. On June 16, 1982, at a meeting starting at 9:30 a.m. in the Assembly Room, State Building, 1111 Jackson Street, Oakland, California, after due notice to the Dischargers and all interested and affected persons and agencies, the Regional Board conducted a public hearing at which the Dischargers appeared and evidence was received concerning the discharge.
10. The Dischargers are violating and/or threatening to violate requirements listed in Finding 8 of this Order.

11. This action is an Order to enforce waste discharge requirements adopted by the Board. This action is therefore exempt from CEQA pursuant to Section 15121 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED THAT:

- A. The dischargers shall cease and desist from violating requirements listed in Finding 8 of this Order.
- B. Compliance with this Board's Order No. 82-29 shall be completed in accord with the following time schedule:

<u>Task</u>	<u>Completion Date</u>
a. Start construction of pond enlargement and upgrading project	July 1, 1982
b. Complete pond enlargement and upgrading project	September 1, 1982
c. Full compliance	October 1, 1982
C. The Dischargers are required to provide the Board by July 15, 1982 and monthly thereafter, a report, under penalty of perjury, on progress towards compliance with the provisions of this Order.	
D. If, in the determination of the Executive Office, the Dischargers fail to comply with the provisions of this Order, the Executive Officer is authorized to take the following action after approval of the Board Chairman:	
. request the Attorney General to take the appropriate enforcement action against the Dischargers including injunction and civil monetary remedies, if appropriate.	

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on June 16, 1982.

FRED H. DIERKER
Executive Officer